

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE (WILMINGTON)**

ROBERT H. AYLOR, JR., On Behalf of Himself x
and All Others Similarly Situated, :

Plaintiff, :

vs. :

XYBERNAUT CORPORATION, EDWARD G. :
NEWMAN, STEVEN A. NEWMAN, M.D., and :
THOMAS D. DAVIS, :

Defendants. :

Case No. 1:05-cv-00222 (SLR)

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**MOTION OF THE JAMES GROUP FOR APPOINTMENT AS LEAD PLAINTIFF AND
FOR APPROVAL OF ITS SELECTION OF LEAD COUNSEL**

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

Seth D. Rigrotsky (#3147)
Ralph N. Sianni (#4151)
919 N. Market Street, Suite 411
Wilmington, Delaware 19801
Telephone: (302) 984-0597

--and--

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

Steven G. Schulman
David P. Brower
Peter E. Seidman
Sharon M. Lee
One Pennsylvania Plaza - 49th Floor
New York, NY 10119
Telephone: (212) 594-5300

HOLMAN LAW OFFICE

Thomas A. Holman
One Pennsylvania Plaza — Suite 4632
New York, N.Y. 10119
Telephone: (212) 699-4596

Plaintiff's Counsel

Dated: June 14, 2005

STULL, STULL & BRODY

Jules Brody
Aaron Brody
Tzivvia Brody
6 East 45th Street
New York, New York 10017
Telephone: (212) 687-7230

Proposed Lead Counsel

MOSHE TAL, On Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D., and
THOMAS D. DAVIS,

Defendants.

MICHAEL FEHRENBACHER, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, M.D. STEVEN A. NEWMAN and
THOMAS D. DAVIS,

Defendants.

JEFFREY M. JASKOL and STACEY J. JASKOL,
Individually and On Behalf of All Others Similarly
Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D., and
THOMAS D. DAVIS,

Defendants.

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Case No. 1:05-cv-00242 (SLR)

Case No. 1:05-cv-00256 (SLR)

Case No. 1:05-cv-00268 (SLR)

JOSEPH DANIEL WAUHOP, On Behalf of
Himself and All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, JOHN F. MOYNAHAN
and GRANT THORNTON LLP,

Defendants.

Case No. 1:05-cv-00310 (SLR)

[CHRISTINA W. DONNELLY, JOHN
DONNELLY, JAMES G. WILLIAMSON and
RICHARD W. DEARBORN, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, THOMAS
D. DAVIS and BRUCE C. HAYDEN,

Defendants.

Case No. 1:05-cv-00334 (JJF)

CHARLES W. SMITH, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

Case No. 1:05-cv-00354 (SLR)

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, THOMAS
D. DAVIS, BRUCE C. HAYDEN and GRANT
THORNTON LLP,

Defendants.

x

Class members Kenneth James, La Rocca Pietro, Michael A. Farmakis, David S. Pennington, and Christina Donnelly (collectively, the "James Group" or "Movant"), upon the accompanying Declaration of Ralph Sianni, dated June 14, 2005, the accompanying memorandum of law in support, and upon all other papers and prior proceedings had herein, hereby move this Court for an Order:

(A) consolidating the above-captioned actions;

(B) appointing the James Group as Lead Plaintiff;

(C) approving the James Group's choice of Milberg Weiss Bershad & Schulman LLP and Stull, Stull & Brody as Lead Counsel; and

(D) Granting such other and further relief as may be just, proper and equitable.

DATED: June 14, 2005

Respectfully submitted,

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

By /s/ Ralph N. Sianni
Seth D. Rigrodsky (#3147)
Ralph N. Sianni (#4151)
919 N. Market Street, Suite 411
Wilmington, Delaware 19801
Tel.: (302) 984-0597

--and--

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**
Steven G. Schulman
David P. Brower
Peter E. Seidman
Sharon M. Lee
One Pennsylvania Plaza - 49th Floor
New York, NY 10119
Tel.: (212) 594-5300

STULL, STULL & BRODY

Jules Brody
Aaron Brody
Tzivia Brody
6 East 45th Street
New York, New York 10017
Tel.: (212) 687-7230
Fax.: (212) 490-2022

Proposed Lead Counsel

HOLMAN LAW OFFICE

Thomas A. Holman
One Pennsylvania Plaza — Suite 4632
New York, N.Y. 10119
Tel.: (212) 699-4596
Fax.: (212) 947-9967

Plaintiff's Counsel